

Issued February 23, 1910.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 165, FOOD AND DRUGS ACT.

MISBRANDING OF CANNED PEAS.

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906 and of Regulation 6 of the Rules and Regulations for the enforcement of the Act, notice is given that on the 4th day of December, 1908 in the District Court of the United States for the Eastern District of Kentucky a judgment was entered in the below entitled case wherein a libel was filed under section 10 of the aforesaid Act alleging in substance that 100 cases of canned peas each containing two dozen cans labeled:

“Standard Sifted Early June Peas, The Van Camp Packing Company, Indianapolis, Indiana;”

and 100 cases of canned peas each containing two dozen cans labeled:

“The Van Camp Early June Peas, Indianapolis, Indiana;” each can in each of said cases bearing the statement: “Net weight 22 ounces,” which had been shipped from Indianapolis, Indiana by the Van Camp Packing Company to H. Schmidt & Sons, at Covington, Ky. and there offered for sale, were misbranded in that the said 200 cases each contained 12 cans of peas branded “Net weight 22 ounces” when in fact all of said cans so branded did not contain 22 ounces but were of less weight, to wit: not exceeding 20-5/6 ounces.

The libel prayed process against all claimants to said peas and seizure and condemnation of the same. The Van Camp Packing Company of Indianapolis, Ind. appeared as claimant, filed its answer admitting the allegations of the libel whereupon the Court rendered the decree herein in substance and in form as follows:

“UNITED STATES DISTRICT COURT EASTERN DISTRICT OF KENTUCKY.

THE UNITED STATES OF AMERICA	} # 31
vs	
TWO HUNDRED CASES OF PEAS.	

ORDER.

The claimant of the Peas herein having admitted in open Court that the facts and statements contained in the libel herein are true, and having presented bond

in the sum of five hundred dollars, (\$500.00) as provided in Section 10 of the Act of Congress, approved June 30th, 1906;

It is hereby ordered that upon the payment of the costs of this action, and the approval of said bond by the Clerk as to its sufficiency, the Marshal is directed to release to the substituted claimants, to wit The Van Camp Packing Company, the cases of Peas seized herein.

A. M. J. COCHRAN, *Judge.*

DEC. 4th, 1908."

The facts which led to the filing of the above libel were as follows:

On or about October 29, 1908 an inspector of the United States Department of Agriculture found in the possession of H. Schmidt & Sons, Covington, Ky., 200 cases (each containing 24 cans) labeled as above described, each of said cans bearing the statement: "Net weight 22 ounces." A number of the cans were weighed in the Bureau of Chemistry of the United States Department of Agriculture and were found to contain from 1 ounce to 1-1/6 ounces less than the weight declared upon the label.

On October 31, 1908 the Secretary of Agriculture reported the above facts to the United States Attorney for the Eastern District of Kentucky who filed the above libel with the result hereinbefore stated.

JAMES WILSON,
Secretary of Agriculture.

JANUARY 15, 1910.